

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.9193 of 2007

Dated:27.04.2007

Between:

Y.Srinivas Rao

...Petitioner

And:

Government of A.P., repled., by its
Principal Secretary, Revenue,
Secretariat, Hyderabad and
another.

...

Respondents

-

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.9193 of 2007

ORDER:

Petitioner states that he is the absolute owner and possessor of Plot No.185 admeasuring 289 square yards in Sy.Nos.36, 38, 39, 41, 42, 43, 45 and 47/2 situated in Cheemalapalli Village, Porlipalem Gram Panchayath, Visakhapatnam District. It is stated that he entered into an agreement of sale with the intending purchaser and accordingly, approached the second respondent, to

register the same in favour of the intending purchaser. The grievance of the petitioner is that the second respondent is not accepting any document for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said Survey Number. This writ petition is filed seeking appropriate directions to the respondents, in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***^[1].

Once the sole basis for the second respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same, in accordance with the provisions of the Indian Stamp Act and the Registration Act.

Hence, the Writ Petition is disposed of, directing the second respondent to receive and process the document

that may be presented by the petitioner and take necessary steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act. There shall be no order as to costs.

L.NARASIMHA REDDY, J

27.04.2007

dr

[\[1\]](#) AIR 2005 SC 3401 = (2005) 12 SCC 77